

EXHIBIT 6

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

-----X
ROSY GIRON DE REYES;
JOSE DAGOBERTO REYES;
FELIX ALEXIS BOLANOS;
RUTH RIVAS; YOVANA JALDIN SOLIS;
ESTABAN RUBIN MOYA YRAPURA;
ROSE ELENA AMAYA, and
HERBERT SARAIVIA CRUZ,

Plaintiffs,

CASE NO:
1:16ev00563-TCB

Vs.

WAPLES MOBILE HOME PARK
LIMITED PARTNERSHIP; WAPLES PROJECT
LIMITED PARTNERSHIP; and
A.J. DWOSKIN & ASSOCIATES, INC.,

Defendants,
-----X

DEPOSITION OF MARK ANDREW JONES

Falls Church, Virginia

November 22, 2016

9:30 a.m.

Reported By:
Chris Fox
Job No: 47656

ORIGINAL

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1 Q. Okay. And I want you to look at the bottom
2 of that page for me, the third bullet from the bottom;
3 it's just a single line of text. It says, Criminal
4 history and a criminal background check will be
5 conducted for each applicant.

6 A. Yes.

7 Q. Is it accurate to say that as of
8 February 2013 a criminal background check could be
9 conducted for each applicant whether or not they
10 provided a Social Security number?

11 A. Yes.

12 Q. And also on Page 7 let me turn to -- it's the
13 very top bullet and then the second sub-bullet under
14 there. It says: All applicants must be legally
15 eligible to live in the U.S. Applications that do not
16 meet this standard will be rejected regardless of the
17 credit score and criminal history outcome.

18 Was that the policy of A.J. Dwoskin &
19 Associates, Inc. as it applied to Waples Mobile Home
20 Park in 2013?

21 A. We required everybody to have an active visa

1 or a valid visa at the time internally due, that they
2 are documented or legally in the country.

3 Q. Would it be fair to say that this was a
4 categorical ban on individuals who were not legally
5 present in the United States as of 2013?

6 A. Can you repeat that.

7 Q. Sure. So we're looking at that second
8 sub-bullet where it says, All applicants must be
9 legally eligible to live in the United States. And my
10 question was whether this policy as it applied to
11 Waples in 2013 constituted sort of a categorical ban on
12 individuals who were illegally in the United States.

13 A. It was one of our criteria to verify that
14 there was a valid visa in place for the individual or
15 the applicant.

16 Q. So every single applicant who did not possess
17 a valid visa or valid immigration documentation would
18 be rejected, correct?

19 A. Yes.

20 Q. All right. And if you'll flip over with me
21 to the next page. The header reads Application

1 MR. DINGMAN: It's not a speaking objection.

2 MS. ODOM: -- he can say he doesn't recall.

3 And I've asked the question and I'd like an answer
4 and we can look at a document in a minute.

5 MR. DINGMAN: If you can answer without
6 looking at the documents and not guess, then you
7 can answer the question.

8 A. I -- I would have to read the document to
9 answer since I never used the software.

10 BY MS. ODOM:

11 Q. Outside the CoreLogic content and speaking
12 generally about criminal background searches, do you
13 have a view on whether a Social Security number is
14 required to run those checks?

15 MR. DINGMAN: Object to the form of the
16 question.

17 A. Currently, criminal screenings can be ran
18 without a Social Security number. The problem as with
19 most screening services is, is the more data you put
20 into the system, usually the better data comes back.
21 So in terms of -- the credit side operates better with

1 a Social Security number or a ITIN number, a number
2 better than no number at all.

3 And the criminal, I don't know of any states
4 yet that use the Social Security number as a defining
5 field for crimes, but typically you get that by name
6 and date of birth; but if you have hits on the
7 criminal, you usually can see how accurate the
8 information comes across on the credit to where you
9 have the two together to see -- to make a decision or
10 to be able to make sure that false positives or other
11 issues pop up, whether it's Social Security number
12 flags, or usually it's common name issues on the
13 criminal side.

14 Q. So it's your opinion that A.J. Dwoskin &
15 Associates, Inc. believes that it could obtain more
16 accurate and complete background checks by using a
17 Social Security number in 2011 when CoreLogic was the
18 service that was providing those checks?

19 A. Back then in 2011, I'm not sure how the
20 CoreLogic system worked and what it required and what
21 it didn't require. I mean, many systems you could put

1 Q. All right. Let's look at Exhibit 16 in front
2 of you.

3 A. (Witness complies.)

4 Q. I want to go through these relatively
5 quickly, the response to Interrogatory Number 1 appears
6 on Page 2.

7 If you look at paragraph 2, it says: The
8 reasons for creating the policy are to confirm the
9 identity of the applicant and any adult occupant, to
10 perform credit check, minimize identity fraud and to
11 eventually perform criminal background checks, and
12 minimize loss from eviction.

13 A. Yes.

14 Q. Did you participate in drafting that
15 response?

16 A. Yes.

17 Q. Is it your position that legal status in the
18 United States is required to be verified, in order to
19 meet each of these reasons for the policy?

20 A. I would say for them to start our process
21 with us, that legal status is one of the first steps.

1 Q. You want me to go off the record for a
2 moment?

3 A. No, no.

4 Q. You indicated that to start the process, to
5 apply to live at Waples, an individual would have to
6 show legal status?

7 A. Correct. They would have to provide us the
8 identity documents, and along with the legal status or
9 the valid visa.

10 And I would add to this list, I would say
11 that was part of the identity fraud, in verifying the
12 identity.

13 Q. You believe that verifying an individual's
14 legal status assisted in verifying whether or not there
15 was identity fraud?

16 A. I think those documents from a visa
17 standpoint, with a valid visa from the U.S. government,
18 does help verify the identity of the federal ID.
19 Whether it's a foreign passport or a state issued ID of
20 identity from a state that's not a driver's license,
21 but appears like a driver's license.

1 Q. Why did an applicant need to show legal
2 status in the United States in order to start an
3 application process, to live at Waples?

4 A. As part of our underwriting of the lease, we
5 find that to be a key piece of information from an
6 income perspective for valid employment and writing the
7 lease. But also, we find it, for an actual visa to be
8 present, because of the vetting done on the -- during
9 the visa process, from a criminal perspective, because
10 our criminal screening only shows results based on
11 records found in the United States, on the name and
12 date of birth.

13 Q. Well, is it not the case that criminal
14 background search done by Yardi is always limited to
15 criminal records in the United States, whether or not
16 somebody is legally present in the U.S.?

17 A. That is correct.

18 Q. So a person could be legally present, and
19 have a criminal violation in another country, and Yardi
20 wouldn't return that?

21 A. Correct.

136

1 Q. Did A. J Dwoskin & Associates believe it was
2 required by some law or statute to verify legal status
3 before they accepted an application for a lease?

4 A. Well, we do believe that we have some
5 exposure to the harboring of illegal immigrants because
6 we have knowledge they they're undocumented by taking
7 the application.

8 But otherwise, we do find that it is vital to
9 the underwriting of the lease, because of the hurdles
10 that an undocumented immigrant suffers in trying to
11 obtain a job or a title to the mobile home itself, with
12 the state of Virginia, so.

13 Q. Or keep a lease?

14 A. Hau?

15 Q. Or keep a lease?

16 A. Or keep a lease with us, yes.

17 Q. Okay. You said from an income perspective,
18 it's important to verify legal residency in the United
19 States.

20 Can you give me some explanation of what that
21 means?

1 A. We think that an undocumented immigrant is
2 limited in terms of their employment in the United
3 States. And we feel if they're undocumented, there's a
4 potential financial burden for them to become
5 documented to taking on that lease. And I think, you
6 know, to trace or find someone that is undocumented and
7 not in the system, also makes it difficult for us to go
8 through the court system with collection and judgments,
9 but.

10 Q. So to be clear, the policy of A. J. Dwoskin &
11 Associates, Inc., was to categorically reject an
12 application from individuals who are not legally
13 present, whether or not they could show a solid income,
14 is that right?

15 A. Can you repeat the question?

16 Q. Sure. Bad question.

17 The policy of A. J. Dwoskin & Associates,
18 Inc., was to reject all applications from undocumented
19 immigrants, whether or not they could show a reliable
20 sufficient income?

21 A. It is one of our first steps in prescreening,

138

1 of making sure they have documents to prove their
2 income, documents to prove their legal presence in the
3 country, and a federal ID.

4 Q. Sure.

5 These are some reasons that it seems A. J.
6 Dwoskin & Associates, Inc., believes are important,
7 that federal law requires the screening for whether
8 someone is documented or not, you mentioned you believe
9 there's some exposure to a harboring law. What is that
10 based on?

11 A. I just -- from some reading of, having
12 knowledge of housing or harboring in the illegal
13 immigrant, I think again, I thing, what on -- the, you
14 know. In terms of being required by law, I don't know
15 of any, other than the fair housing requirements or
16 laws, for us to apply underwriting or our policies and
17 criteria to all. That's all the law that I know of.

18 Q. So there's nothing specific that you believe
19 would subject A. J. Dwoskin & Associates, Inc., to
20 criminal liability or civil liability, for leasing to
21 undocumented immigrants?

1 MR. DINGMAN: Objection to the form of the
2 question. Misstates his testimony.

3 BY MS. ODOM:

4 Q. You can answer.

5 A. Not to my knowledge.

6 Q. Okay. Are there any other reasons beyond the
7 ones we have talked about already, why A. J. Dwoskin &
8 Associates, Inc., wanted to verify an applicant's legal
9 status?

10 Not to give you a memory test, but we can
11 just run through them real quickly, if you like.

12 You said it's to confirm the identity of the
13 applicant and occupants, right? And that's in
14 Interrogatory Response Number 1, correct?

15 A. Correct.

16 Q. It's to be able to run a credit check, right?

17 A. Well, by the policy helps us know that a
18 criminal check was done by the government when they
19 issued the valid visa; so, it's part of the criminal
20 check, but it is, as we have talked about before, just
21 the legal presence by itself does not -- is not needed

140

1 to run a credit -- a criminal screening.

2 I think for us it would be a starting point.
3 If they didn't have it, they would not have a criminal
4 screening run so we're --

5 Q. To make sure identity fraud is caught, right?

6 A. Yes. It's one of the documents to check.

7 Q. Sure. It is to be able to run the criminal
8 background check, to make someone eligible to have the
9 check run, right?

10 A. Yes.

11 Q. Minimize loss from eviction?

12 A. Yes.

13 Q. All right. Underwriting concerns for the
14 lease, correct?

15 A. Correct.

16 Q. Because undocumented immigrants have limited
17 employment opportunities?

18 A. Correct.

19 Q. All right. And there may be some fear of
20 liability due to harboring, is that right?

21 A. Yes.

1 bottom.

2 A. (Witness complies.)

3 Q. In the last section at the bottom it starts
4 are ITINs valid for identification. What is the
5 response there?

6 A. No. ITINs are not valid identification
7 outside the tax system.

8 Q. Is that why there was a requirement for
9 government- issued documents verifying legal status in
10 addition to an ITIN?

11 A. Yes.

12 Q. During the course of the deposition, you
13 sometimes refer to those documents as visa documents.
14 Do you recall that?

15 A. Yes.

16 Q. When you use that phrase, visa documents, are
17 you referring to any documents issued by the United
18 States government that substantiates legal presence in
19 the United States?

20 A. Yes.

21 Q. I'd like you to look at exhibit 16, which are

230

1 CERTIFICATE OF SHORTHAND REPORTER

2 NOTARY PUBLIC

3 I, CHRISTINE FOX, Certified Court Reporter, the
4 officer before whom the foregoing deposition was taken,
5 do hereby certify that the foregoing transcript is a
6 true and correct record of the testimony given; that
7 said testimony was taken by me stenographically and
8 thereafter reduced to typewriting under my supervision;
9 and that I am neither counsel for, related to, nor
10 employed by any of the parties to this case and have no
11 interest, financial or otherwise, in its outcome.

12 
13

14 CHRISTINE FOX

15 Notary Public in and for the
16 Commonwealth of Virginia
17

18 My commission expires:

19 March 31, 2018
20
21